

**TOWNSHIP OF BERKELEY HEIGHTS
UNION COUNTY, NEW JERSEY
COUNCIL MEETING HELD SEPTEMBER 9, 2014**

CALL TO ORDER

At 7:00 p.m. Mayor Bruno called the meeting to order and stated that adequate notice of this meeting has been provided by posting the same on the bulletin board of Town Hall and forwarding a copy to the Courier News and Star Ledger at least forty-eight hours prior to the meeting, all in accordance with the Open Public Meetings Act. This meeting will not go substantially past 10:30 p.m.

ROLL CALL

Mr. Delia, Mr. Pirone, Mr. Woodruff, Mr. Pastore, Mrs. Kingsley and Mayor Bruno answered present. Mr. Hall was absent. Also present was Township Attorney Joseph Sordillo and Township Clerk Ana Minkoff.

EXECUTIVE SESSION – Contract Negotiations/Land Acquisition-Little Flower Church

Moved by Mrs. Kingsley to go into Executive Session, seconded by Mr. Pastore and upon roll call vote:
(7:01 p.m.)

Ayes: Mr. Delia, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: Mr. Hall

Moved by Mrs. Kingsley to go out of Executive Session, seconded by Mr. Pastore and upon roll call vote:
(7:48 p.m.)

Ayes: Mr. Delia, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: Mr. Hall

FLAG SALUTE

Mayor Bruno asked everyone present to stand as he led the Flag Salute.

PROCLAMATION - United Way

No members of the United Way were present to accept the Proclamation for United Way Week.

TOWNSHIP COUNCIL REPORTS

Mr. Delia spoke about the Fire Chief and the fire whistle that sounds when there is a fire. Mr. Delia feels with all of the other technology we now have to notify the Fire Department members it doesn't seem like it is necessary to sound the fire whistle.

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A discussion continued on the fire whistle. Mayor Bruno said he will speak with the Fire Chief regarding the necessity of the fire whistle.

Mr. Delia said he saw the chipping program starts on Monday. He asked what kind of advance notice was received on this program. He said it doesn't seem people were informed far enough in advance of this program.

Mayor Bruno said the chipping program was posted on the bulletin board by the hardware store and also in the Alternative Press last week. He doesn't know how far in advance it was posted.

A discussion continued on the notice of the chipping program.

Mr. Pirone had nothing to report.

Mr. Woodruff had nothing to report.

Mr. Pastore had nothing to report.

Mrs. Kingsley had nothing to report.

Mayor Bruno reported he attended the Fire Department's spaghetti dinner on Friday along with some of the Council members. Mayor Bruno also reported this Friday Governor Livingston will have a football game under the lights at 7:00 p.m. Mayor Bruno also reported Thursday on September 11th we will hold our annual 911 Memorial Service at Bicentennial Park at 8:30 a.m. He added Senator Kean will attend the services. Mayor Bruno also asked the Council to consider making a formal name change of the park to "911 Bicentennial Memorial Park" by resolution.

There was a lengthy discussion on the name of the Bicentennial Park and why it was changed.

Mayor Bruno said he received a letter from the School Board President based on the parking discussion from a few weeks ago. He said the letter was addressed to him and Mrs. Kingsley. Mayor Bruno read this letter into the record. Mayor Bruno spoke about a letter he sent to the Governor, Senator's and Assemblymen with his thoughts on how to handle the crisis in Trenton with the budget and the pension not being paid and with respect to county government. He spoke about Senator Kean responding to his letter and a bill pending he had introduced.

Mr. Woodruff said he is somewhat familiar with this issue having spoken to some elected officials in Morris County. Mr. Woodruff went on to speak about Senator Kean advocating for this bill. He spoke in length about the involvement of county government.

Mayor Bruno again continued in length with his remarks.

Moved by Mr. Pirone to accept and approve the Township Council and Administration Reports, seconded by Mr. Pastore and upon roll call vote:

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Ayes: Mr. Delia, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: Mr. Hall

HEARING ON AGENDA ITEMS ONLY

Moved by Mr. Delia to open the Hearing on the Agenda Items Only, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: Mr. Hall

Steve Carrellas of 35 Sycamore Avenue said he leads the efforts of the NJ Chapter of the National Motorists Assoc., Chairman of the Board of the National Motorists Assoc Foundation and he is a licensed professional engineer in the State of NJ. Mr. Carrellas spoke in length about the ordinance for the speed limit change on Snyder Avenue. He spoke in length about the speed limit signs that are presently posted along that road and what is necessary by law in order to change a speed limit.

Hearing no voices, moved by Mr. Delia to close the Hearing on the Agenda Items Only, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: Mr. Hall

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE INTRODUCED ON
AUGUST 26, 2014.**

The Clerk presented and read:

**(1) “AN ORDINANCE AMENDING THE MINIMUM AND MAXIMUM
RATE OF SALARY AND COMPENSATION OF ELECTED AND
APPOINTED TOWNSHIP OFFICIALS, AND NON-UNION EMPLOYEES IN
THE VARIOUS MUNICIPAL DEPARTMENTS OF THE TOWNSHIP OF
BERKELEY HEIGHTS.”**

Moved by Mrs. Kingsley to open the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pastore and upon roll call vote:

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Ayes: Mr. Delia, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: Mr. Hall

Hearing no voices, moved by Mrs. Kingsley to close the public hearing on the ordinance as read by the Township Clerk, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: Mr. Hall

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk and hearing held hereon be adopted on final passage and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: Mr. Hall

**NEW BUSINESS- RESOLUTIONS
OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:**

RESOLUTIONS

Mr. Delia introduced the following resolution:

1. Resolution approving Bill List dated September 9, 2014 in the amount of \$141,859.46.

Moved by Mr. Delia to approve resolution #1, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. Delia, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: Mr. Hall

Mrs. Kingsley introduced the following resolution:

2. Resolution authorizing payment of unused vacation time to Deputy Clerk, Linda Santillo.

Moved by Mrs. Kingsley to approve resolution #2, seconded by Mr. Woodruff and upon roll call vote:

Ayes: Mr. Delia, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: Mr. Hall

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Mr. Woodruff introduced the following resolution:

3. Resolution authorizing Professional Services Agreement with James J. Ramentol, AIA and GRA Architects, Inc. for professional architectural services in connection with the public hearings to be held on the Township's potential land swap.

Moved by Mr. Woodruff to approve resolution #3, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: Mr. Hall

Mr. Pastore introduced the following resolution:

4. Resolution supporting Assembly Bill A900 which will allow municipalities and counties to properly, quickly, and economically clean and de-silt streams to help prevent flooding.

Moved by Mr. Pastore to approve resolution #4, seconded by Mr. Pirone and upon roll call vote:

Ayes: Mr. Delia, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: Mr. Hall

Mr. Pirone introduced the following resolution:

5. Resolution declaring Friday, September 19, 2014 'POW/MIA Remembrance Day'.

Moved by Mr. Pirone to approve resolution #5, seconded by Mr. Pastore and upon roll call vote:

Ayes: Mr. Delia, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: Mr. Hall

CONSENT AGENDA

All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

Mr. Pastore introduced the following resolutions:

- (6)
 - a. Resolution authorizing a block party on Sycamore Avenue on September 27, 2014 from 1:00 – 8:00 p.m
 - b. Resolution authorizing a block party on Orchard Lane on September 20, 2014 from 1:00 to 10:00 p.m.

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- c. Resolution authorizing the Tax Collector to refund the following 2014 tax overpayments:
 - 1. Atlas Realty, Snyder Ave., LLC 240 Springfield Avenue \$1,574.78
- d. Resolution endorsing a blue light permit for Noel Genco, from the Berkeley Heights Rescue Squad.

Moved by Mr. Pastore to approve Consent Agenda resolutions #6a-d, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: Mr. Hall

ORDINANCES

INTRODUCTION OF ORDINANCES

Public Hearing and Final Adoption scheduled for September 23, 2014.

The Clerk presented and read:

- (1) **“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMEINTG TITLE 2 ENTITLED “ADMINISTRATION AND PERSONNEL” OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO CREATE NEW CHAPTER 2.95 ENTITLED “MEMORIAL PARK RENEWAL COMMITTEE” TO CREATE AND ESTABLISH AN ADVISORY COMMITTEE TO ASSIST THE TOWNSHIP WITH THE RENEWAL, RESTORATION AND MAINTENANCE OF THE TOWNSHIP’S MEMORIAL PARK”.** Explanation: (This ordinance amends and updates the Township’s Administrative Code (Title 2 of the Code of the Township of Berkeley Heights to create and establish an advisory committee to assist the Township with the renewal, restoration and maintenance of the Township’s Memorial Park.)

Moved by Mrs. Kingsley that the ordinance as read by the Township Clerk be offered on first reading and the date of 9/23/14 is set as the date for public hearing and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Pastore and carried.

Mr. Woodruff said Mr. Romankow has been active in addressing this issue. He said Mr. Romankow contacted him and had a few suggestions for the ordinance. Mr. Woodruff spoke to Township Attorney, Joseph Sordillo about these suggestions. Mr. Woodruff went on to explain the changes Mr. Romankow wanted in the ordinance. Mr. Woodruff asked the Township Council to consider these changes.

Mr. Sordillo explained the changes and said that a vote would have to be taken to amend the ordinance with these changes and then a vote has to be taken to introduce the ordinance as amended.

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Moved by Mr. Woodruff to amend the ordinance to reflect the language as indicated, seconded by Mrs. Kingsley and carried.

Upon roll call vote:

Ayes: Mr. Delia, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: Mr. Hall

The Clerk presented and read:

- (2) **“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING CHAPTER 10.12 ENTITLED “SPEED LIMITS AND NO-PASSING ZONES” VEHICLES AND TRAFFIC” OF THE CODE OF THE TOWNSHIP OF BERKELEY HEIGHTS TO REVISE THE SPEED LIMITS ON A PORTION OF SNYDER AVENUE”**. Explanation: (This ordinance revises the speed limits on a portion of Snyder Avenue.)

Moved by Mr. Pastore that the ordinance as read by the Township Clerk be offered on first reading and the date of 9/23/14 is set as the date for public hearing and the Township Clerk is directed to advertise it in the Courier News, seconded by Mr. Woodruff and carried.

Mr. Delia feels maybe a speed limit of 35 should be tried first. He is concerned that maybe the speed will be too slow going all the way down. He added maybe it is necessary.

Mayor Bruno said there are three different speed limits on that road. He said we have had about 30 accidents in six years with some injuries at that intersection. He said we must do something to make that intersection safer. Mayor Bruno continued to talk about the speed limits and said a 30 mph speed limit there will have an impact when an accident does occur. He encourages the Police Department to enforce the speed limit 100%. Mayor Bruno said that is the most dangerous intersection in town.

Mr. Pastore said he agrees with what the Mayor said. He said 30 miles an hour will add some consistency to it. It is an unsafe intersection and we must do something.

Mayor Bruno added that is the recommendation of the traffic engineer that did the survey.

Mr. Woodruff feels the speed is a difficult thing to enforce because there are three different speed changes within a half mile. Mr. Woodruff agrees with the Mayor and Mr. Pastore that this is a very dangerous intersection. Mr. Woodruff spoke about the traffic study and the suggestions to address specifically the intersection. Mr. Woodruff continued to speak about the speed limit on Snyder Avenue and the dangerous intersection.

A discussion continued. Mayor Bruno spoke about the suggestions to make the intersection safer.

Upon roll call vote:

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Ayes: Mr. Delia, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: Mr. Hall

CITIZENS HEARING

Moved by Mr. Woodruff to open the Citizens Hearing, seconded by Mrs. Kingsley and upon roll call vote:

Ayes: Mr. Delia, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: Mr. Hall

Charlie Pratt of 45 Park Avenue spoke about the website and the information included on the main page. He went on to explain the website further and said the center of the page is a key information source on the programs going on in the Township.

Stephen Yellin of 130 Dogwood Lane agrees that the center column of the website is a very useful information tool. Mr. Yellin said not everyone uses the website and reads the programs in the newspaper and he suggested a flyer or a leaflet could be sent to the residents to inform them where to find these programs in the future.

Herb Waddell of 98 Robbins Avenue said there is a hazardous condition that exists on Robbins Avenue. Mr. Waddell went on to talk about a sink hole on Robbins Avenue and he explained the condition further. He said he first put in a complaint for this problem in May 2011 and has been complaining since that time to the Mayor and Engineering, but has received no action. Mr. Waddell continued in length about the sink hole problem on Robbins Avenue and showed the Mayor and Council pictures of the problem.

Mr. Bocchino responded that he is aware of the problem on Robbins Avenue and it is on the list to be repaired. He apologized for the delay with this problem. Mr. Bocchino took down Mr. Waddell's information.

Tom Foregger of 14 Dorsett Road asked if the Audit Report has been received yet.

Mayor Bruno responded it has not been received yet. The Auditors just finished approximately a week and a half ago.

Mr. Foregger commented on Mr. Woodruff's remark that county government is an employment agency. Mr. Foregger feels that is an accurate opinion. Mr. Foregger went on with his remarks.

A lengthy discussion continued on county government.

Nelson Stauber of 125 Park Avenue agreed with Mr. Delia with regard to the noise from the fire siren. Mr. Stauber continued with his comments on the extreme noise from the siren.

Gerald Kuzmik of Eaton Court referred to Assembly Bill A900 and resolution #4 and he asked what kind of a schedule pertains to this bill with regard to the river clean-up.

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Mayor Bruno responded he does not know what schedule pertains to this Assembly Bill. He said this bill is not in conjunction with what we are doing with the county, it is a different project.

Mr. Kuzmik spoke about the maintaining of storm sewers, passageways deteriorating and not getting repaired. He asked if we have a problem with DPW in Berkeley Heights with the roads being addressed and a problem with scheduling.

Mayor Bruno responded there is an immense amount of work to be done with only 12 men in the DPW. He added to build one of those catch basins takes more than a day or two worth of work to build. The work needs to be prioritized between potholes, street repair and the various other programs that DPW handles. Mayor Bruno continued in length to explain.

Mrs. Kingsley added we have the same problem with the infrastructure. We have an ancient infrastructure that has had years of neglect and we are playing catch up. With the storms we have had in the last three years the infrastructure has eroded even faster than usual. There are too many problems and there is not enough people or dollars to take care of everything.

The discussion continued.

Mr. Kuzmik asked for an update on the street sweeper.

Bob Bocchino, Township Engineer went on to say we are waiting for the capital money in the bond ordinance to become available in order to purchase the street sweeper

Steve Carrellas of 35 Sycamore Avenue spoke in length about the current law with regard to the speeds and current statute and the overall Snyder Avenue intersection issue and solutions.

The discussion continued in length with Mr. Carrellas and the Township Council regarding the speed on Snyder Avenue.

John Romano of 17 Putnam Avenue spoke in length about several issues he has with a neighbor. Mr. Romano spoke in length about two issues, the first issue is a retaining wall and the other issue he feels the neighbor is hooked up to the sanitary sewer illegally. He went on to explain and discuss further in length.

A discussion continued in length with Mr. Romano and Mr. Woodruff regarding these issues. The discussion also included Mr. Bocchino.

Gerald Kuzmik of 35 Eaton Court commented on a previous speaker's comments regarding the Snyder Avenue speeds.

A discussion continued.

Joan Luciano of Mountain Avenue spoke about section k of the ordinance for the speed on Snyder Avenue. She spoke about the speed limits in the school areas that were listed and asked why Snyder Avenue was not listed as well.

A discussion continued with Council members responding to Mrs. Luciano's questions.

Hearing no voices, moved by Mr. Woodruff to close the Citizens Hearing, seconded by Mr. Pastore and upon roll call vote:

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Ayes: Mr. Delia, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: Mr. Hall

ADJOURNMENT

Moved by Mr. Pirone to adjourn, seconded by Mr. Pastore and upon roll call vote:
(9:26 p.m.)

Ayes: Mr. Delia, Mr. Pirone, Mr. Woodruff, Mr. Pastore and Mrs. Kingsley
Nays: None
Abstain: None
Absent: Mr. Hall

Approved: October 7, 2014